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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOSHUA WAYNE STRICKLAND ,

10 Plaintiff,

11 v.

12 MIGUEL BALDERAMA,

13 Defendant.

CASE NO. 3:24-cv-05487-JCC-BAT

**ORDER CONDITIONALLY
GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
AND DIRECTING INSTITUTION
TO CALCULATE, COLLECT, AND
FORWARD PAYMENTS**

14 This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff Joshua Wayne
15 Strickland is currently confined at the Pierce County Jail in Tacoma, Washington. On June 20,
16 2024, plaintiff submitted to this Court for filing a proposed prisoner civil rights complaint and an
17 application to proceed with this action *in forma pauperis* (“IFP”). *See* Dkt. 1. However, plaintiff
18 failed to submit a complete IFP Application and failed to submit the prison trust account
19 statement required by 28 U.S.C. § 1915(a)(2). *Id.* On July 18, 2024, the Clerk sent plaintiff a
20 letter advising him that his IFP Application was deficient and that he would need to correct the
21 deficiency not later than August 19, 2024, or face dismissal of this action. Dkt. 5.

22 On August 12, 2024, plaintiff submitted a completed IFP application but has not
23 submitted the prison trust account statement. Dkt. 7. However, plaintiff has submitted documents

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1 explaining that he requested to the trust account statement from the Jail at the end of June 2024
2 and still has not received it. Dkt. 7-3; Dkt. 8.

3 The Court is aware that other plaintiffs seeking IFP designation, in unrelated cases, have
4 encountered considerable difficulty in obtaining prison trust account statements from Jail
5 officials, which has resulted in delays in cases moving forward. Given the difficulty the plaintiff
6 in this case has experienced in obtaining a trust account statement from Jail officials, and given
7 the Court's concern that plaintiff may be unable to correct his IFP deficiency in a reasonable
8 amount of time in light of the apparently onerous process for obtaining such statements, the
9 Court deems it appropriate to conditionally grant plaintiff's IFP application.

10 Based on the foregoing, the Court hereby **ORDERS** as follows:

11 (1) Plaintiff's application to proceed IFP (Dkt. 7) is **conditionally GRANTED** as
12 plaintiff's declaration indicates he is unable to afford the Court's filing fee or give security
13 therefore. As set forth below, an initial partial filing fee will be collected, and plaintiff is
14 thereafter required to make monthly payments of 20 percent of the preceding month's income
15 credited to his account until the full amount of the filing fee is satisfied.

16 Pursuant to 28 U.S.C. § 1915, and plaintiff's approved application to proceed IFP, the
17 agency having custody of the above-named Plaintiff is directed to calculate an initial partial
18 filing fee equal to 20 percent of the greater of either: (a) the average monthly deposits to the
19 prisoner's account; or (b) the average monthly balance in the prisoner's account for the 6-month
20 period immediately preceding the date of this Order. The initial partial filing fee should be
21 forwarded to the Clerk of Court as soon as practicable.

22 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency having
23 custody of the prisoner is directed to collect and forward payments equal to 20 percent of the

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1 prisoner's preceding month's income credited to the prisoner's account. In the event that the
2 monthly payment would reduce the prisoner's account below \$10.00, the agency should collect
3 and forward only that amount which would reduce the prisoner's account to the \$10.00 level.
4 Please note this \$10.00 limit does not apply to the initial partial filing fee described above.
5 Finally, the monthly payments should be collected and forwarded to the Court until the entire
6 filing fee (\$350.00) for this matter has been paid.

7 (2) Plaintiff should continue to pursue efforts to obtain his trust account statement
8 and he should submit the statement to the Court as soon as he is able to do so. Failure to submit
9 the statement during the course of this litigation may result in revocation of plaintiff's IFP
10 status.

11 (3) The Clerk is directed to send a copy of this Order to plaintiff, to the financial
12 officer of this Court, to the agency having custody of plaintiff, and to the Honorable John C.
13 Coughenour.

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15 DATED this 16th day of August, 2024.

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18 BRIAN A. TSUCHIDA
19 United States Magistrate Judge
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